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Roy E. Lowrance

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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KIM, PAUL

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/820,797
Filing Date: April 09, 2004
Appellant(s): LOWRANCE ET AL.

Arthur A. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5 December 2007 appealing from the Office action mailed 4 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. With regards to claims 2, 4, 6, 23, 25, 44, 46, and 48, the claims had been cancelled by Appellant in the Amendment filed on 12 February 2007. It is noted that the rejections

of said cancelled claims were erroneously included in the subsequent Final Office Action. Accordingly, for the purposes of appeal, the rejections of said claims have been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Hillis et al, USPGPUB No. 2003/0196094

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-9, 22-30, and 43-51** are rejected under 35 U.S.C. 102(e) as being anticipated by Hillis et al (USPGPUB 2003/0196094, hereinafter referred to as HILLIS), filed on 6 November 2002, and published on 16 October 2003.

3. **As per independent claims 1, 22 and 43**, HILLIS teaches:

A method for generating verifiable reported information, the method comprising:

retrieving report information from a central data repository using one or more query statements {See HILLIS, [0198], wherein this reads over "[t]hey provide data access via standard protocols such as . . . SQL queries"};

generating a report using the report information {See HILLIS, [0400-0401]};

generating a hash based on ingredient data related to the generation of the report {See HILLIS, [0242], wherein this reads over "[w]hen a data object is registered in the system, its type and content are used to generate a fast, unique hash value, which is used as the aforementioned index into the registry"}, wherein the ingredient data comprises

the report information {See HILLIS, [0245], wherein this reads over "a hash table entry contains a data identifier 110 describing the data object's type, length, and one or more representations of the object's data"};

the one or more query statements {See HILLIS, [0300], wherein this reads over "data objects only have one segment, but it is possible to spread the representation of an object across multiple segments. For each segment, the data identifier contains information denoting how to find a string of bits that represent a part of the data object" and "the segment may be specified by a query made to a database"}, and

at least one of a date and time the report was generated {See HILLIS, [0116], wherein this reads over "[s]everal annotations to an explanation, topic, path, or annotation may be added automatically at the time of creation, such as those identifying the creation date"; [0245], wherein this reads over "[t]he hash table entry also contains a metadata identifier 113, which includes an indication of the annotations of the data object"}, and

a version of the report information {See HILLIS, [0116], wherein this reads over "[s]everal annotations to an explanation, topic, path, or annotation may be added automatically at the time of creation, such as those identifying . . . language"};

storing the hash and the ingredient data in an ingredient database, the hash being associated with the ingredient data in the ingredient database {See HILLIS, [0242], wherein this reads over "[t]his hash value is used to identify and register the data object into the registry and is used as the index in the registry's hash table"}; and

outputting the report, the report including the report information and a copy of the generated hash stored in the database {See HILLIS, [0240], wherein this reads over "[t]he registry is a distributed, hierarchical directory of information describing nodes and links of the labeled graph"; and [0400], wherein this reads over "documents may be made public for purposes of authenticating them, without actually publishing the content thereof"}, wherein the stored hash and the ingredient data may be subsequently accessed using the copy of the hash included in the report to verify the report information.

Additionally, wherein the last method step of the above claim recites "may be subsequently accessed," it is noted that the accessing of the stored hash and the ingredient data is optionally recited.

4. **As per dependent claims 2, 23 and 44, HILLIS teaches:**

The method of claim 1, further comprising generating the report using report information stored in an application database {See HILLIS, [0198], wherein this reads over "[a] potentially very large number of data servers store the underlying data and metadata"}.

5. **As per dependent claims 3, 24 and 45, HILLIS teaches:**

The method of claim 1, further comprising generating the report using a software application remotely executable over a network {See HILLIS, Figure 3}.

6. **As per dependent claims 5, 26 and 47, HILLIS teaches:**

The method of claim 1, wherein the one or more query statements comprises at least one of a structured query language (SQL) statement and a data access language statement {See HILLIS, [0198], wherein this reads over "[t]hey provide data access via standard protocols such as . . . SQL queries"}.

7. **As per dependent claims 7, 28 and 49, HILLIS teaches:**

The method of claim 1, wherein the ingredient data indicates how the report was generated {See HILLIS, [0245], wherein this reads over "[a]long with the index hash and signature, a hash table entry contains a data identifier 110 describing the data object's type, length, and one or more representations of the object's data 111, 112. The hash table entry also contains a metadata identifier 113, which includes an indication of the annotations of the data object"}.

8. **As per dependent claims 8, 29 and 50, HILLIS teaches:**

The method of claim 1, wherein the report comprises at least one of a graph, a chart, a table {See HILLIS, [0242], wherein this reads over "[t]his hash value is used to identify and register the data object into the registry and is used as the index in the registry's hash table"}, a spreadsheet, a word processing file, a presentation file, and a text file.

9. **As per dependent claims 9, 30 and 51, HILLIS teaches:**

The method of claim 1, wherein outputting the report further comprises providing an electronic copy of the report including a verifiable digital signature {See HILLIS, [0244], wherein this reads over "each hash table entry contains an index hash 68, an optional cryptographically strong signature for verification and security, a data identifier, and a metadata identifier"; [0400], wherein this reads over "documents may be made public for purposes of authenticating them, without actually publishing the content thereof"}.

10. **As per dependent claims 10, 31 and 52, HILLIS teaches:**

The method of claim 9, wherein the electronic copy of the report is configured to include a user selectable element wherein a module configured to verify the digital signature included with the electronic copy of the report is executed when the user selectable element is selected {See HILLIS, [0381], wherein this reads over "[s]ubsequent users of the submitted content can then authenticate the content locally, by computing a hash using the publicly available algorithm, and comparing the hash obtained to the hash associated with the content"}.

11. **As per dependent claims 11, 32 and 53, HILLIS teaches:**

The method of claim 10, wherein the module is remotely executable over a network {See HILLIS, [0379], wherein this reads over "[t]he computation of the hash may be performed either by the registry computer system or the computer system of the individual submitting the content"}.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 6, 27, and 48** rejected under 35 U.S.C. 103(a) as being unpatentable over HILLIS, in view of Official Notice.

14. **As per dependent claims 6, 27, and 48**, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made that a query statement format would be based upon ASCII, EBCDIC, Unicode, or other character strings, CSV, SGML, SML, HTML, PDF, JPEG, GIF, word processing document format, a spreadsheet file format, and a presentation file format.

(10) Response to Argument

1. Hillis et al. teaches and suggest generating a hash based on ingredient data as recited in independent claim 1.

Appellant asserts the argument that "Hillis et al. fails to teach or suggest generating a hash based on ingredient data" See Appeal Brief, page 10. It is noted that Hillis et al discloses the allowance of "search engines and automatic indexers to match objects with particular characteristics" such that user annotations and document metadata regarding the content may be used in querying data objects. See Hillis, Para. [0027]. Accordingly, the returned data object would constitute the generation of the report (i.e. the data object) using the report information

(i.e. "user annotations" and "document metadata"). Appellants specifically rely upon the argument that a "type" of data object, as disclosed by Hillis et al, cannot equate to "one or more query statements, and at least one of a date and time the report was generated, and a version of the report information." However, it is noted that Hillis et al allows for the content of the data object to be used in generating a unique hash value. See Hillis et al, [0242]. Additionally, Appellants assert the argument that "although the hash table may include annotations related to the data, these annotations are not used to generate the index hash." The Examiner respectfully disagrees in that, wherein the annotations may be added automatically to the document data, said annotations identifying the creation date may indeed be a part of the content used in generating a unique hash. Thus, Hillis discloses appropriately discloses the method step of "generating a report using report information retrieved from a centralized data repository."

2. Hillis et al. discloses the outputting of the report.

Appellants assert the argument that Hillis et al. fails to disclose "outputting the report, the report including the report information and a copy of the generated hash stored in the database." See Appeal Brief, page 12. The Examiner respectfully disagrees in the Hillis et al discloses an aspect of the invention wherein modifications to data objects may be authenticated by certifying signatures to annotations. Accordingly, said signatures, which contain "the data object type and content" would read upon "a copy of the generated hash stored in the database" since said signatures are also stored within the hash table entry as well as the data object. HILLIS, Para. [0297]. It is noted that one of ordinary skill in the art would readily see that a "report" containing "report information" may be interpreted and construed broadly to the extent that data objects such as legal documents would be considered a report. Furthermore, wherein Hillis et al discloses that "documents may be made public for purposes of authenticating them," it would have been both inherent and necessary to the disclosed invention to include said hash or signature within the documents such that document may be authenticated accordingly.

3. The Examiner has properly taken Official Notice and fully addressed Appellants' arguments.

Appellants assert the argument that the Examiner's Official Notice is deficient in that the Examiner has not provided documentary evidence of proof for the Official Notice. Specifically, Appellants assert the argument that "the query statement format in the context of claims 6, 27, and 48 is not well known." The Examiner notes that the features claimed are well-known within the art. Because Appellants had inadequately traversed the Official Notice and was therefore deficient, no document evidence was provided by the Examiner. The Appellants were directed to MPEP 2144.03, which addressed the topic of Official Notice and clearly state the criteria for traversing an Official Notice. MPEP 2144.03, Part C states the following in part:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate.

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate.

In this case, Appellants had failed to specifically point out why it would not have been well-known to one of ordinary skill in the art that "a query statement format would be based upon ASCII, EBCDIC, Unicode, or other character strings, CSV, SGML, SML, HTML, PDF, JPEG, GIF, word processing document format, a spreadsheet file format, and a presentation file format." Accordingly, it is noted that the Official Noticed fact in claims 6, 27, and 48 were to be taken as admitted prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Paul Kim

Conferees:

Apu Mofiz

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

Eddie Lee

/Eddie Lee/

Supervisory Patent Examiner, TC 2100